

Notice of Allowability

Application No.

09/517,983

Examiner

Debra F. Charles

Applicant(s)

BOYD ET AL.

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 2, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-44.
3. ☒ The drawings filed on 3/3/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ALAIN L. BASHORE
PRIMARY EXAMINER

3/25/05



Response to Amendment

1. Claims 1, 2, 6, 26 and 40 have been amended. Claims 5 and 45-48 have been cancelled.

EXAMINER'S AMENDMENT

2. Authorization for this examiner's amendment was given in a telephone interview with Celine Jimenez Crowson on March 25, 2005.

The application has been amended as follows:

1. A target pricing system used in a computer for obtaining an optimum value, the target pricing system resident on one or more host processors in connection with one or more data stores, the target pricing system comprising:

a product model that prices using a computer a plurality of values using stored price data and estimates costs for each of the values using stored cost data;

a competitor net price model that calculates using a computer an equivalent competitor net price; and

a market response model that calculates using a computer the probability of winning with each of the values as a function of price,

6. A target pricing system used in a computer for obtaining an optimum value, the target pricing system resident on one or more host processors in connection with one or more data stores, the target pricing system comprising:

a product model that produces, using a computer, a plurality of bids using stored price data and estimates costs associated with each of the bids using stored cost data;

a competitor net price model that calculates using a computer an equivalent competitor net price; and

a market response model that calculates using a computer the probability of winning with each of the values as a function of price;

Allowable Subject Matter

3. Claims 1-4, and 6-44 are allowed.

4. The following is an examiner's statement of reasons for allowance:

As per Claims 1, 6, 26 and 40.

The present invention is directed to a target pricing system using a computer that determines the probability of winning using the equation

indicated in these claims. Each independent claim identifies the uniquely distinct features "the equation itself wherein for J competitors, K_j is a sum of price-independent terms for competitor j and m_j is a sup of price-dependent terms for the competitor i ". And the equation is:

$$= \frac{1}{1 + \sum_{j \in J} e^{K_j + m_j}}$$

The closest prior art, Handbook of Mathematical Functions with Formulas, Graphs, and Mathematical Tables, Edited by: Abramowitz, M.; Stegun, I.A. 1972, Takriti et al.(5974403A), Campbell et al.(5918209A), and Burns et al.(5189606A), disclose pricing and forecasting models, either singularly or in combination, fail to anticipate or render the above underlined limitations with the equation obvious.

The claims which depend from the above allowed claims are allowed based on their dependencies.

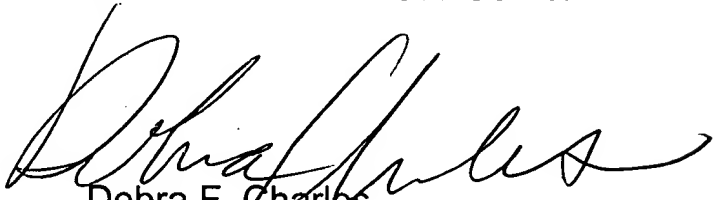
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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PRIMARY EXAMINER


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Art Unit 3624